



LOWELL PUBLIC SCHOOLS

Henry J. Mroz Central Administration Offices
155 Merrimack Street
Lowell, MA 01852

Joel D. Boyd, Ed.D
Superintendent

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To: Dr. Joel Boyd, Superintendent of Schools
From: Dr. James Hall, Chief Operating Officer
Date: September 9, 2021
Re: Minimum Wage Increase

On January 1, 2021, the minimum hourly wage in Massachusetts will increase to \$13.50 per hour. It will further increase to \$14.25 per hour on January 1, 2022 and to \$15.00 on January 1, 2023.

I recommend that the minimum hourly rate of pay for cafeteria workers who are “call-ins” be increased to \$15.00 per hour effective September 20, 2021.

I also recommend that the minimum hourly rate for Cafe Temp Workers who are scheduled for 3.5 or more hours a work day, temporarily be increased to no less than \$17.00 per work hour effective September 20, 2021 for the remainder of the 2021/2022 school year.

According to the Department of Labor Standards (“Applicability of M.G.L.c 151 to Town Employees”), Legislative intent excludes state employees from the Commonwealth’s minimum wage which extends to employees of municipalities as well (see March 1, 2019 memo). However, it is important that we continue to provide competitive wages to our staff in order to attract the quality employees and to fully staff our workforce.

In an average year, approximately 6,500 call-in hours are projected to be used. It is likely this proposed increase will cost about \$13,000.00 if those projections hold. To increase the minimum wage to \$17.00 per hour for the Cafe Temp Workers scheduled for more than 3.5 hours would equate to approximately \$160,000 in additional labor costs per school year. Currently, some of these junior employees are making approximately \$15.20 per hour.

If this increase occurred, the projected “return” from the cafeteria program would still be projected to be over \$850,000, so this would not adversely impact other parts of the school budget. Additionally, this wage increase would have a positive impact on the food service program and allow us to hire additional staff in a tough market, sustain current operations, and better position us to launch a dinner program for students regularly participating in after school programs in Fine Arts, athletics, and clubs.

Cafeteria Workers			Salary Grid							
			2017-2020							
Grade	Title	STEP	7/1/2018 0.00%	1/1/2019 2.00%	6/30/2019 1.00%	7/1/2019 0.00%	1/1/2020 2.00%	6/30/2020 1.00%		
			Mid Point			Mid Point				
									weekly 43 pays	Yearly
1	Cook/Manager	1st	\$774.24	\$789.73	\$797.63	\$797.63	\$813.58	\$821.71	679.49	\$35,333.74
	10 yr	2nd	\$781.79	\$797.43	\$805.40	\$813.18	\$829.45	\$837.77	692.75	\$36,022.82
	15 yr	3rd	\$791.28	\$807.11	\$815.18	\$832.73	\$849.38	\$857.87	709.40	\$36,888.59
	20 yr	4th	\$799.80	\$815.79	\$823.95	\$850.28	\$867.28	\$875.95	724.35	\$37,666.01
1.5	Cook/Manager STEM	1st	\$797.47	\$813.42	\$821.56	\$821.56	\$837.99	\$846.37	699.88	\$36,393.75
	10 yr	2nd	\$805.02	\$821.12	\$829.33	\$837.11	\$853.85	\$862.39	713.13	\$37,082.83
	15 yr	3rd	\$814.51	\$830.80	\$839.10	\$856.65	\$873.79	\$882.53	729.78	\$37,948.60
	20 yr	4th	\$823.02	\$839.48	\$847.88	\$874.20	\$891.69	\$900.61	744.73	\$38,726.02
2	Cook/Manager - LHS	1st	\$834.68	\$851.38	\$859.89	\$859.89	\$877.09	\$885.86	732.54	\$38,091.92
	10 yr	2nd	\$842.23	\$859.08	\$867.67	\$875.45	\$892.95	\$901.88	745.79	\$38,781.00
	15 yr	3rd	\$851.72	\$868.75	\$877.44	\$894.99	\$912.89	\$922.02	762.44	\$39,646.77
	20 yr	4th	\$860.24	\$877.44	\$886.21	\$912.54	\$930.79	\$940.10	777.39	\$40,424.20
4	Café Permanent 1	1st	\$582.15	\$593.79	\$599.73	\$599.73	\$611.73	\$617.84	510.91	\$26,567.28
	10 yr	2nd	\$589.70	\$601.49	\$607.51	\$615.29	\$627.59	\$633.87	524.16	\$27,256.36
	15 yr	3rd	\$599.19	\$611.17	\$617.28	\$634.83	\$647.53	\$654.00	540.81	\$28,122.13
	20 yr	4th	\$607.70	\$619.86	\$626.06	\$652.38	\$665.43	\$672.08	555.76	\$28,899.56
5	Café Permanent 2	1st	\$606.19	\$618.31	\$624.50	\$624.50	\$636.99	\$643.36	532.01	\$27,664.31
	10 yr	2nd	\$613.74	\$626.01	\$632.27	\$640.05	\$652.85	\$659.38	545.26	\$28,353.39
	15 yr	3rd	\$623.22	\$635.69	\$642.05	\$659.60	\$672.79	\$679.52	561.91	\$29,219.16
	20 yr	4th	\$631.74	\$644.38	\$650.82	\$677.15	\$690.69	\$697.59	576.86	\$29,996.58
6	Cafeteria employee temp 2 hours	1st	\$143.85	\$146.72	\$148.19	\$148.19	\$151.15	\$152.66	126.24	\$6,564.59
	10 yr	2nd	\$151.40	\$154.42	\$155.97	\$163.75	\$167.02	\$168.69	139.49	\$7,253.68
	15 yr	3rd	\$160.88	\$164.10	\$165.74	\$183.29	\$186.95	\$188.82	156.14	\$8,119.44
	20 yr	4th	\$169.40	\$172.79	\$174.51	\$200.84	\$204.86	\$206.90	171.09	\$8,896.87
7	Cafeteria employee temp 3 hours	1st	\$214.98	\$219.28	\$221.47	\$221.47	\$225.90	\$228.16	188.67	\$9,810.78
	10 yr	2nd	\$222.53	\$226.98	\$229.25	\$237.02	\$241.77	\$244.18	201.92	\$10,499.86
	15 yr	3rd	\$232.01	\$236.65	\$239.02	\$256.57	\$261.70	\$264.32	218.57	\$11,365.63
	20 yr	4th	\$240.53	\$245.34	\$247.79	\$274.12	\$279.60	\$282.40	233.52	\$12,143.05
8	Cafeteria employee temp 4 hours	1st	\$286.23	\$291.95	\$294.87	\$294.87	\$300.77	\$303.78	251.20	\$13,062.33
	10 yr	2nd	\$293.78	\$299.65	\$302.65	\$310.43	\$316.63	\$319.80	264.45	\$13,751.41
	15 yr	3rd	\$303.26	\$309.33	\$312.42	\$329.97	\$336.57	\$339.93	281.10	\$14,617.18
	20 yr	4th	\$311.78	\$318.01	\$321.19	\$347.52	\$354.47	\$358.01	296.05	\$15,394.61
13	Cafeteria employee temp 4.5 hours	1st	\$321.87	\$328.30	\$331.59	\$331.59	\$338.22	\$341.60	282.48	\$14,688.84
	10 yr	2nd	\$329.42	\$336.00	\$339.36	\$347.14	\$354.09	\$357.63	295.73	\$15,377.92
	15 yr	3rd	\$338.90	\$345.68	\$349.14	\$366.69	\$374.02	\$377.76	312.38	\$16,243.69
	20 yr	4th	\$347.42	\$354.37	\$357.91	\$384.24	\$391.92	\$395.84	327.33	\$17,021.12
9	Cafeteria employee temp 5 hours	1st	\$357.44	\$364.59	\$368.24	\$368.24	\$375.60	\$379.36	313.70	\$16,312.42
	10 yr	2nd	\$364.99	\$372.29	\$376.02	\$383.79	\$391.47	\$395.38	326.95	\$17,001.50
	15 yr	3rd	\$374.48	\$381.97	\$385.79	\$403.34	\$411.40	\$415.52	343.60	\$17,867.27
	20 yr	4th	\$383.00	\$390.66	\$394.56	\$420.89	\$429.30	\$433.60	358.55	\$18,644.70
10	Cafeteria employee temp 6 hours	1st	\$428.66	\$437.23	\$441.61	\$441.61	\$450.44	\$454.94	376.20	\$19,562.51
	10 yr	2nd	\$436.21	\$444.93	\$449.38	\$457.16	\$466.30	\$470.97	389.45	\$20,251.59
	15 yr	3rd	\$445.70	\$454.61	\$459.16	\$476.70	\$486.24	\$491.10	406.10	\$21,117.36
	20 yr	4th	\$454.21	\$463.30	\$467.93	\$494.25	\$504.14	\$509.18	421.05	\$21,894.79
11	Cafeteria employee temp 6.5 hours	1st	\$464.27	\$473.55	\$478.29	\$478.29	\$487.86	\$492.73	407.45	\$21,187.55
	10 yr	2nd	\$471.82	\$481.25	\$486.07	\$493.84	\$503.72	\$508.76	420.70	\$21,876.64
	15 yr	3rd	\$481.30	\$490.93	\$495.84	\$513.39	\$523.66	\$528.89	437.35	\$22,742.40
	20 yr	4th	\$489.82	\$499.62	\$504.61	\$530.94	\$541.56	\$546.97	452.30	\$23,519.83
									0.00	
									0.00	
12	Call-in Cafeteria employee Per hour	1st	11.00	11.00	11.00	11.00	11.00	11.00		
14	Cafeteria Temp 3.5 hrs 17.5	1st	\$250.62	\$255.63	\$258.19	\$258.19	\$263.35	\$265.98	219.95	\$11,437.29
	10 yr	2nd	\$258.17	\$263.33	\$265.96	\$273.74	\$279.22	\$282.01	233.20	\$12,126.37
	15 yr	3rd	\$267.65	\$273.01	\$275.74	\$293.29	\$299.15	\$302.14	249.85	\$12,992.14
	20 yr	4th	\$276.17	\$281.69	\$284.51	\$310.84	\$317.05	\$320.22	264.80	\$13,769.56
3	Driver	1st	\$639.42	\$652.21	\$658.73	\$658.73	\$671.91	\$678.63	561.17	\$29,181.02

APPENDIX A

Lowell Public Schools										
Cafeteria Workers										
July 1, 2017 to June 30, 2020										
		7/1/2017	1/1/2018	6/30/2017	7/1/2018	1/1/2019	6/30/2019	7/1/2019	1/1/2020	6/30/2020
		0.0%	2.0%	1.0%	0.0%	2.0%	1.0%	0.0%	2.0%	1.0%
<i>Title</i>	<i>STEP</i>		Mid Point			Mid Point			Mid Point	
Cook/Manager	1st	\$752	\$767	\$774	\$774	\$790	\$798	\$798	\$814	\$822
10 yr	2nd	\$755	\$770	\$778	\$782	\$797	\$805	\$813	\$829	\$838
15 yr	3rd	\$760	\$775	\$783	\$791	\$807	\$815	\$833	\$849	\$858
20 yr	4th	\$764	\$779	\$787	\$800	\$816	\$824	\$850	\$867	\$876
Cook/Manager STEM	1st	\$774	\$790	\$797	\$797	\$813	\$822	\$822	\$838	\$846
10 yr	2nd	\$778	\$793	\$801	\$805	\$821	\$829	\$837	\$854	\$862
15 yr	3rd	\$782	\$798	\$806	\$815	\$831	\$839	\$857	\$874	\$883
20 yr	4th	\$786	\$802	\$810	\$823	\$839	\$848	\$874	\$892	\$901
Cook/Manager - LHS	1st	\$810	\$826	\$835	\$835	\$851	\$860	\$860	\$877	\$886
10 yr	2nd	\$814	\$830	\$838	\$842	\$859	\$868	\$875	\$893	\$902
15 yr	3rd	\$818	\$835	\$843	\$852	\$869	\$877	\$895	\$913	\$922
20 yr	4th	\$823	\$839	\$847	\$860	\$877	\$886	\$913	\$931	\$940
Café Permanent 1	1st	\$565	\$576	\$582	\$582	\$594	\$600	\$600	\$612	\$618
10 yr	2nd	\$569	\$580	\$586	\$590	\$601	\$608	\$615	\$628	\$634
15 yr	3rd	\$573	\$585	\$591	\$599	\$611	\$617	\$635	\$648	\$654
20 yr	4th	\$577	\$589	\$595	\$608	\$620	\$626	\$652	\$665	\$672
Café Permanent 2	1st	\$588	\$600	\$606	\$606	\$618	\$624	\$624	\$637	\$643
10 yr	2nd	\$592	\$604	\$610	\$614	\$626	\$632	\$640	\$653	\$659
15 yr	3rd	\$597	\$609	\$615	\$623	\$636	\$642	\$660	\$673	\$680
20 yr	4th	\$601	\$613	\$619	\$632	\$644	\$651	\$677	\$691	\$698
Cafeteria employee temp 2 hours	1st	\$140	\$142	\$144	\$144	\$147	\$148	\$148	\$151	\$153
10 yr	2nd	\$143	\$146	\$148	\$151	\$154	\$156	\$164	\$167	\$169
15 yr	3rd	\$148	\$151	\$152	\$161	\$164	\$166	\$183	\$187	\$189
20 yr	4th	\$152	\$155	\$157	\$169	\$173	\$175	\$201	\$205	\$207
Cafeteria employee temp 3 hours	1st	\$209	\$213	\$215	\$215	\$219	\$221	\$221	\$226	\$228
10 yr	2nd	\$212	\$217	\$219	\$223	\$227	\$229	\$237	\$242	\$244
15 yr	3rd	\$217	\$221	\$223	\$232	\$237	\$239	\$257	\$262	\$264
20 yr	4th	\$221	\$225	\$228	\$241	\$245	\$248	\$274	\$280	\$282
Cafeteria employee temp 4 hours	1st	\$278	\$283	\$286	\$286	\$292	\$295	\$295	\$301	\$304
10 yr	2nd	\$281	\$287	\$290	\$294	\$300	\$303	\$310	\$317	\$320
15 yr	3rd	\$286	\$292	\$295	\$303	\$309	\$312	\$330	\$337	\$340
20 yr	4th	\$290	\$296	\$299	\$312	\$318	\$321	\$348	\$354	\$358
Cafeteria employee temp 4.5 hours	1st	\$312	\$319	\$322	\$322	\$328	\$332	\$332	\$338	\$342
10 yr	2nd	\$316	\$322	\$326	\$329	\$336	\$339	\$347	\$354	\$358
15 yr	3rd	\$321	\$327	\$330	\$339	\$346	\$349	\$367	\$374	\$378
20 yr	4th	\$325	\$331	\$335	\$347	\$354	\$358	\$384	\$392	\$396
Cafeteria employee temp 5 hours	1st	\$347	\$354	\$357	\$357	\$365	\$368	\$368	\$376	\$379
10 yr	2nd	\$351	\$358	\$361	\$365	\$372	\$376	\$384	\$391	\$395
15 yr	3rd	\$355	\$362	\$366	\$374	\$382	\$386	\$403	\$411	\$416
20 yr	4th	\$359	\$367	\$370	\$383	\$391	\$395	\$421	\$429	\$434

APPENDIX A

Lowell Public Schools										
Cafeteria Workers										
July 1, 2017 to June 30, 2020										
		7/1/2017	1/1/2018	6/30/2017	7/1/2018	1/1/2019	6/30/2019	7/1/2019	1/1/2020	6/30/2020
		0.0%	2.0%	1.0%	0.0%	2.0%	1.0%	0.0%	2.0%	1.0%
<i>Title</i>	<i>STEP</i>		Mid Point			Mid Point			Mid Point	
Cafeteria employee temp 6 hours	1st	\$416	\$424	\$429	\$429	\$437	\$442	\$442	\$450	\$455
10 yr	2nd	\$420	\$428	\$432	\$436	\$445	\$449	\$457	\$466	\$471
15 yr	3rd	\$424	\$433	\$437	\$446	\$455	\$459	\$477	\$486	\$491
20 yr	4th	\$428	\$437	\$441	\$454	\$463	\$468	\$494	\$504	\$509
Cafeteria employee temp 6.5 hours	1st	\$451	\$460	\$464	\$464	\$474	\$478	\$478	\$488	\$493
10 yr	2nd	\$454	\$463	\$468	\$472	\$481	\$486	\$494	\$504	\$509
15 yr	3rd	\$459	\$468	\$473	\$481	\$491	\$496	\$513	\$524	\$529
20 yr	4th	\$463	\$472	\$477	\$490	\$500	\$505	\$531	\$542	\$547
Call-in Cafeteria employee Per hour	1st	11.00	11.00	11.00	12.00	12.00	12.00	12.00	12.00	12.00
Cafeteria Temp 3.5 hrs 17.5	1st	\$243	\$248	\$251	\$251	\$256	\$258	\$258	\$263	\$266
10 yr	2nd	\$247	\$252	\$254	\$258	\$263	\$266	\$274	\$279	\$282
15 yr	3rd	\$252	\$257	\$259	\$268	\$273	\$276	\$293	\$299	\$302
20 yr	4th	\$256	\$261	\$263	\$276	\$282	\$285	\$311	\$317	\$320
Driver	1st	\$621	\$633	\$639	\$639	\$652	\$659	\$659	\$672	\$679
10 yr	2nd	\$624	\$637	\$643	\$647	\$660	\$667	\$674	\$688	\$695
15 yr	3rd	\$629	\$642	\$648	\$656	\$670	\$676	\$694	\$708	\$715
20 yr	4th	\$633	\$646	\$652	\$665	\$678	\$685	\$711	\$726	\$733
2017-2018 January 1										
10 yrs \$ 156.00		3.63	3.66	3.74	3.77	7.55	7.70	7.78	15.56	15.87
15 yrs \$ 352.00		8.19	8.27	8.43	8.52	17.04	17.38	17.55	35.10	35.80
20 yrs \$ 528.00		12.28	12.40	12.65	12.78	25.55	26.06	26.32	52.65	53.70



Minimum Wage Increase- Café Workers

To: Dr. Joel Boyd, Superintendent of Schools
From: Dr. James P. Hall, Chief Operating Officer
Date: January 9, 2020
Re: Minimum Wage Increase for Café Workers

On January 1, 2020, the minimum hourly wage in Massachusetts increased to \$12.75. According to the Department of Labor Standards ("Applicability of M.G.L.c. 151 to Town Employees"), legislative intent excludes state employees from the state's minimum wage statute which extends to employees of municipalities as well (see enclosure- attached to March 1, 2019 memo).

Request a vote of the School Committee to increase our minimum hourly wage for cafeteria employees to \$13.00, so as to remain competitive with other positions that these employees may be looking at for employment. Alternatively, the Committee may consider just increasing the minimum hourly wage to \$12.75.

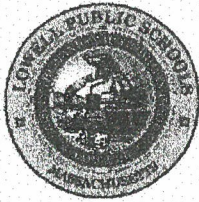
Since the beginning of the school year, there have been 3,100 call-in hours used for cafeteria workers. The rate of pay is currently \$12.00/hour. An increase to \$13.00/hour will likely have a budget impact of approximately \$2,800.00 as demand will likely decrease slightly as we have recently filled some positions. Should the Committee elect to only increase the rate to the \$12.75/hour minimum wage, the budgetary impact would be approximately \$2100.00.

I recommend that the minimum hourly rate of pay for cafeteria workers be increased to \$13.00 to help ensure that we meet staffing needs.

LOWELL PUBLIC SCHOOLS

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Minimum Wage Increase-Café Workers

To: School Committee
From: Billie Jo Turner, Assistant Superintendent
RE: Minimum Wage Increase for Café Workers
Date: March 1, 2019

On January 1, 2019, the minimum wage in Massachusetts increased to \$12/hour. According to the Department of Labor Standards ("Applicability of M.G.L. c. 151 to Town Employees"), legislative intent excludes state employees from the state's minimum wage statute which extends to employees of municipalities as well. Conor Baldwin, the City CFO, stated that though we are not required to do so, we could "affirmatively elect to increase the wages."

We need the School Committee's vote to increase our minimum wage employees to the \$12 state approved rate.

Minimum Wage Opinion Letter 02-13-02 – Applicability of M.G.L. c. 151 to Town Employees

February 13, 2002

Your letter to the Attorney General's Office regarding the applicability of the state minimum wage law to town employees has been forwarded to this Office. While the Attorney General's Office enforces the Massachusetts Minimum Fair Wage Law and Regulations, the Division of Occupational Safety is responsible for interpreting these laws.

The Massachusetts Minimum Fair Wage Law, M.G.L. c. 151, §1, establishes the state minimum wage for employees in an "occupation" as defined by M.G.L. c. 151, §2. Section 1 does not specifically include public employees, and neither does Section 2 in its definition of "occupation." In Grenier v. Town of Hubbardston, 7 Mass. App. Ct. 911, rescript (1979), the Massachusetts Appeals Court considered a minimum wage claim brought against the town by fire department employees. The Court held that the town did not owe the workers back wages because the "case falls within the rule that statutes regulating persons and occupations engaged in trade and industry are ordinarily construed not to apply to the Commonwealth or its political subdivisions unless the Legislature has expressly or by clear implication so provided." Id. at 911. Generally, a municipality is not subject to suit without its consent. See e.g. Bain v. City of Springfield, 424 Mass. 758, 762-763 (1997).

We note one instance where the Massachusetts Supreme Judicial Court held otherwise in a case brought under the Massachusetts Equal Pay Act (MEPA). See Jancey v. School Comm. of Everett, 421 Mass. 482 (1995), aff'd on reh'g, 427 Mass. 603 (1998). In Jancey, the SJC considered the question of whether the statutory definitions of "employee," "employer," and "employment" could be applied to a public school cafeteria worker despite the lack of any specific reference to claims brought in the public sector. The Court in that case stated that it would "not read into [the statutory definitions] an implied exclusion of public employment. If the Legislature had intended to exclude public employment, it could have done so by express language." Id. at 173. In any event, the instant case is distinguishable in that there is evidence of legislative intent to exclude municipal employees from coverage under M.G.L. c. 151. By enacting M.G.L. c. 41, §108A, the Legislature evidenced its clear intent to treat municipal employees differently, including within Section 108A the means to establish a municipal compensation plan establishing minimum and maximum wages. We note also that M.G.L. c. 40, §21A gives municipalities the ability to establish hours, days, and weeks of work and leaves of absence including holiday, vacation and sick leave for all employees other than those appointed by the school committee. Overtime compensation for municipal employees is governed by M.G.L. c. 149, §§33A-33C. Taken as a whole, these statutes evidence the Legislature's clear intent to establish different wage and hour rules for municipal employees and to exclude them from coverage under the state minimum wage laws which apply to private employers. ^[1]

I hope this information has been helpful. If I can be of any further assistance, please feel free to contact me.

Sincerely,
Lisa C. Price
Legal Counsel

^[1] Please note that public employers are subject to the federal minimum wage law, found in the Fair Labor Standards Act (FLSA) and regulations promulgated thereunder. For information about applicable federal wage and hour laws, you should contact the U.S. Department of Labor. The telephone number for the Boston Office is (617) 624-6700.

= Names have been omitted